

not used

Def. Doc. # 792

TREATY OF COMMERCE AND NAVIGATION

Signed at Peking, in English, Japanese and Chinese, July 21, 1896 (29th year of Meiji).

Ratified September 29, 1896.

Ratifications exchanged at Peking, October 20, 1896.

Promulgated October 29, 1896.

His Majesty the Emperor of Japan and His Majesty the Emperor of China, having resolved, in pursuance of the provisions of Articles VI, of the Treaty signed at Shimonoseki on the 17th day of the 4th month of the 26th year of Meiji, corresponding to the 23rd day of the 3rd month of the 21st year of Kuang Hsu, to conclude a Treaty of Commerce and Navigation, have for that purpose named as Their Plenipotentiaries, that is to say:

His Majesty the Emperor of Japan, Baron Hayashi Tadasu, Shoshii, Grand Cross of the Imperial Order of the Sacred Treasure, Grand Officer of the Imperial Order of the Rising Sun, Minister Plenipotentiary and Envoy Extraordinary; and His Majesty the Emperor of China, Chang Yen Hoon, Minister Plenipotentiary, Minister of the Taungli-yamen, Holding the rank of the President of a Board and Senior Vice-President of the Board of Revenue:

Who, after having communicated to each other their Full Powers found to be in good and due form, have agreed upon and concluded the following Articles:--

ARTICLE I.

There shall be perpetual peace and friendship between His Majesty the Emperor of Japan and His Majesty the Emperor of China, and between their respective subjects who shall enjoy equally in the respective countries of the High Contracting Parties full and entire protection for their persons and property.

ARTICLE II.

It is agreed by the High Contracting Parties that His Majesty the Emperor of Japan may, if He see fit, accredit a Diplomatic Agent to the Court of Peking and His Majesty the Emperor of China may, if He see fit, accredit a Diplomatic Agent to the Court of Tokio.

The Diplomatic Agent thus accredited shall respectively enjoy all the prerogatives, privileges and immunities accorded by international law to such Agents and they shall also in all respects be entitled to the treatment extended to similar Agents of the most favoured nation.

Their persons, families, suites, establishment, residences and correspondence shall be held inviolable. They shall be at liberty to select and appoint their own officers, couriers, interpreters, servants and attendants without any kind of molestation.

ARTICLE III

His Majesty the Emperor of Japan may appoint Consuls-General,

Consuls, Vice-Consuls and Consular Agents to reside at such of the ports, cities and towns of China, which are now, or may hereafter be, opened to foreign residence and trade, as the interests of the Empire of Japan may require.

These officers shall be treated with due respect by the Chinese Authorities, and they shall enjoy all the attributes, authority, jurisdiction, privileges and immunities which are, or may hereafter be, extended to similar officers of the nation most favoured in these respect.

His Majesty the Emperor of China may likewise appoint Consuls-General, Consuls, Vice-Consuls and Consular Agents to reside at any or all of these places in Japan, where Consular officers of other nations are now, or may hereafter be, admitted, and, saving in the matter of jurisdiction in respect of Chinese subjects and property in Japan, which is reserved to the Japanese Judicial Courts, they shall enjoy the rights and privileges that are usually accorded to such officers.

ARTICLE IV

Japanese subjects may, with their families, employees and servants, frequent, reside and carry on trade, industries and manufactures, or pursue any other lawful avocations in all the ports, cities and towns of China, which are now, or may hereafter be opened to foreign residence and trade. They are at liberty to proceed to or from any of the open ports with their merchandise and effects, and within the localities at those places which have already been, or may hereafter be, set apart for the use and

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occupation of foreigners, they are allowed to rent or purchase houses, rent or lease land, and to build churches, cemeteries and hospitals, enjoying in all respect the same privileges and immunities as are now, or may hereafter be, granted to the subjects or citizens of the most favoured nation.

ARTICLE V

Japanese vessels may touch for the purpose of landing and shipping passengers and merchandise in accordance with the existing Rules and Regulations concerning foreign trade there at all these places in China, which are now ports of call, namely Ngan-ching, Ta-tung, Hu-kow, Wu-sueh, Lu-chi-kow and Woosung and such other places as may hereafter be made ports of call also. If any vessel should unlawfully enter ports other than open ports and ports of call in China or carry on clandestine trade along the coast or rivers, the vessel with her cargo shall be subject to confiscation by the Chinese Government.

ARTICLE VI.

Japanese subjects may travel, for their pleasure or for purposes of trade, to all parts of the interior of China, under passports issued by Japanese Consuls and countersigned by the Local Authorities. These passports, if demanded, must be produced for examination in the localities passed through. If the passports be not irregular, the bearers will be allowed to proceed and no opposition shall be offered to their hiring of persons, animals, carts or vessels for their own conveyance or for the carriage of their personal effects or merchandise. If they be

without passports or if they commit any offence against the law, they shall be handed over to the nearest Consul for punishment, but they shall only be subject to necessary restraint and in no case to ill-usage. Such passports shall remain in force for a period of thirteen Chinese months from the date of issue. Any Japanese^{subject} travelling in the interior without passport shall be liable to a fine not exceeding three hundred Taels. Japanese subjects may, however, without passports go on excursions from any of the ports open to trade, to distance not exceeding one hundred Chinese li and for a period not exceeding five days. The provisions of this Article do not apply to crews of ships.

ARTICLE VII

Japanese subjects residing in the open ports of China may take into their service Chinese subjects and employ them in any lawful capacity without restraint or hindrance from the Chinese Government or Authorities.

ARTICLE VIII

Japanese subjects may hire whatever boats they please for the conveyance of cargo or passengers and the sum to be paid for such boats shall be settled between the parties themselves, without the interference of the Chinese Government or officers. No limit shall be put upon the number of boats, neither shall a monopoly in respect either of the boats or of the porters or coolies engaged in carrying goods be granted to any parties. If

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any smuggling takes place in them the offenders will of course be punished according to law.

ARTICLE IX

The Tariffs and Tariff Rules now in force between China by Japanese subjects or from Japan, or upon exportation from China by Japanese subjects or to Japan. It is clearly understood that all articles, the importation or exportation of which is not expressly limited or prohibited by the Tariffs and Tariff Rules existing between China and the Western Power, may be freely imported into and exported from China, subject only to the payment of the stipulated import or export duties. But in no case shall Japanese subjects be called upon to pay in China other or higher import or export duties than are, or may be, paid by the subjects or citizens of the most favoured nation; nor shall any article imported into China from Japan or exported from China to Japan be charged upon such importation or exportation, other or higher duties than are now, or may hereafter be imposed in China on the like article when imported from or exported to the nation most favoured in those respects.

ARTICLE X

All articles duly imported into China by Japanese subjects or from Japan shall, while being transported, subject to the existing Regulations, from one open port to another, be wholly exempt from all taxes, imposts, duties, lekin, charges and

exactions of every nature and kind whatsoever, irrespective of the nationality of the owner or possessor of the articles, or the nationality of the conveyance or vessel in which the transportation is made.

ARTICLE XI

It shall be at the option of any Japanese subject desiring to convey duly imported articles to an inland market to clear his goods of all transit duties by payment of a commutation transit tax or duty, equal to one-half of the import duty in respect of dutiable articles, and two and a half per cent. upon the value in respect of duty free articles; and on payment thereof a certificate shall be issued, which shall exempt the goods from all further inland charges whatsoever. It is understood that this Article does not apply to imported opium.

ARTICLE XII.

All Chinese goods and produce purchased by Japanese subjects in China elsewhere than at an open port thereof and intended for export abroad, shall in every part of China be freed from all taxes, imposts, duties, lekin, charges and exactions of every nature and kind whatsoever, saving only export duties when exported, upon the payment of a commutation transit tax or duty calculated at the rate mentioned in the last preceding Article substituting export duty for import duty, provided such goods and produce are actually exported to a foreign country within the period of twelve months from the date of the payment of the

transit tax; all Chinese goods and produce purchased by Japanese subjects at the open ports of China and of which export to foreign countries is not prohibited shall be exempt from all internal taxes, imposts, duties, lekin, charges and exactions of every nature and kind whatsoever, saving only export duties upon exportation and all articles purchased by Japanese subjects in any part of China, may also, for the purposes of export abroad, be transported from open port to open port, subject to the existing Rules and Regulations.

ARTICLE XIII

Merchandise of a bona fide foreign origin, in respect of which full import duty shall have been paid, may at any time within three years from the date of importation be re-exported from China by Japanese subjects to any foreign country, without the payment of any export duty; and the re-exporters shall, in addition, be entitled forthwith to receive from the Chinese Customs drawback certificates for the amount of import duty paid thereon, provided that the merchandise remains intact and unchanged in its original packages. Such drawback certificates shall be immediately redeemable in ready money by the Chinese Customs Authorities at the option of the holders thereof.

ARTICLE XIV

The Chinese Government consents to the establishment of Bonded Warehouses at the several open ports of China. Regulations on the subject shall be made hereafter.

ARTICLE XV

Japanese merchant vessels of more than one hundred and fifty tons burden, entering the open ports of China, shall be charged tonnage dues at the rate of four mace per registered ton; if of one hundred and fifty tons and under, they shall be charged at the rate of one mace per registered ton. But any such vessel taking its departure within forty-eight hours after arrival, without breaking bulk, shall be exempt from the payment of tonnage dues.

Japanese vessels having paid the above specified tonnage dues shall thereafter be exempt from all tonnage dues in all the open ports and ports of call of China for the period of four months from the date of clearance from the port where the payment of such tonnage dues is made. Japanese vessels shall not, however, be required to pay tonnage dues for the period during which they are actually undergoing repairs in China.

No tonnage dues shall be payable on small vessels and boats employed by Japanese subjects in the conveyance of passengers, baggage, letters or duty free articles between any of the open ports of China. All small vessels and cargo boats, however, conveying merchandise which is, at the time of such conveyance, subject to duty, shall pay tonnage dues once in four months at the rate of one mace per ton.

No fee or charges other than tonnage dues shall be levied upon Japanese vessels and boats, and it is also understood that such vessels and boats shall not be required to pay other or higher tonnage dues than the vessels and boats of the most favoured nation.

ARTICLE XVI

Any Japanese merchant vessel arriving at an open port of China shall be at liberty to engage the services of a pilot to take her into port. In like manner, after she has discharged all legal dues and duties and is ready to take her departure, she shall be allowed to employ a pilot to take her out of port.

ARTICLE XVII

Japanese merchant vessels compelled on account of injury sustained or any other cause to seek a place of refuge shall be permitted to enter any nearest port of China, without being subject to the payment of tonnage dues or duties upon goods landed in order that repairs to the vessel may be effected, provided the goods so landed remain under the supervision of the Customs Authorities. Should any such vessel be stranded or wrecked on the coast of China, the Chinese Authorities shall immediately adopt measures for rescuing the passengers and crew and for securing the vessel and cargo. The persons thus saved shall receive friendly treatment, and, if necessary, shall be furnished with means of conveyance to the nearest Consular station. Should

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any Chinese merchant vessel be compelled on account of injury sustained or any other cause to seek a place of refuge in the nearest port of Japan, she shall likewise be treated in the same way by the Japanese Authorities.

ARTICLE XVIII

The Chinese Authorities at the several open ports shall adopt such means as they may judge most proper to prevent the revenue suffering from fraud or smuggling.

ARTICLE XIX

If any Japanese vessel be plundered by Chinese robbers or pirates, it shall be the duty of the Chinese Authorities to use every endeavor to capture and punish the said robbers or pirates, and to recover and restore the stolen property.

ARTICLE XX

Jurisdiction over the persons and property of Japanese subjects in China is reserved exclusively to the duly authorized Japanese Authorities, who shall hear and determine all cases brought against Japanese subjects or property by Japanese subjects, or by the subjects or citizens of any other Power, without the intervention of the Chinese Authorities.

ARTICLE XXI

If the Chinese Authorities or a Chinese subject make any charge or complaint of a civil nature against Japanese subjects or in respect of Japanese property in China, the case shall be heard and decided by the Japanese Authorities.

In like manner all charges and complaints of a civil nature brought by Japanese Authorities or subjects in China against Chinese subjects or in respect of Chinese property, shall be heard and determined by the Chinese Authorities.

ARTICLE XXII

Japanese subjects charged with the commission of any crimes or offences in China shall be tried, and, if found guilty, punished by the Japanese Authorities according to the laws of Japan.

In like manner Chinese subjects charged with the commission of any crimes or offences against Japanese subjects in China shall be tried, and, if found guilty, punished by the Chinese Authorities according to the laws of China.

ARTICLE XXIII

Should any Chinese subject fail to discharge debts incurred to a Japanese subject, or should he fraudulently abscond, the Chinese Authorities will do their utmost to effect his arrest, and enforce recovery of the debts. The Japanese Authorities

will likewise do their utmost to bring to justice any Japanese subject who fraudulently absconds or fails to discharge debts incurred by him to a Chinese subject.

ARTICLE XXIV

If Japanese subjects in China, who have committed offences or have failed to discharge debts and fraudulently abscond, should flee to the interior of China or take refuge in houses occupied by Chinese subjects or on board of Chinese ships, the Chinese Authorities shall, at the request of the Japanese Consul, deliver them to the Japanese Authorities.

In like manner if Chinese subjects in China, who have committed offences or have failed to discharge debts and fraudulently abscond, should take refuge in houses occupied by Japanese subjects in China or on board of Japanese ships in Chinese waters, they shall be delivered up at the request of the Chinese Authorities made to the Japanese Authorities.

ARTICLE XXV

The Japanese Government and its subjects are hereby confirmed in all privileges, immunities and advantages conferred on them by the Treaty stipulations between Japan and China, which are now in force; and it is hereby expressly stipulated that the Japanese Government and its subjects will be allowed free and equal participation in all privileges, immunities and advantages that may have been, or may be hereafter, granted by His Majesty the Emperor of China to the Government or subjects of any other nation.

ARTICLE XXVI

It is agreed that either of the High Contracting Parties may demand a revision of the Tariffs and of the Commercial Articles of this Treaty at the end of ten years from the date of the exchange of the ratifications; but if no such demand be made on either side and no such revision be effected, within six months after the end of the first ten years, then the Treaty and Tariffs, in their present form, shall ^{remain} in force for ten years more, reckoned from the end of the preceding ten years, and so it shall be at the end of each successive period of ten years.

ARTICLE XXVII

The High Contracting Parties will agree upon Rules and Regulations necessary to give full effect to this Treaty. Until such Rules and Regulations are brought into actual operation, the Arrangements, Rules and Regulations subsisting between China and the Western Powers, so far as they are applicable and not inconsistent with the provisions of this Treaty, shall be binding between the Contracting Parties.

ARTICLE XXVIII

The present Treaty is signed in the Japanese, Chinese and English languages. In order, however, to prevent future discussions, the Plenipotentiaries of the High Contracting Parties have agreed upon that in case of any divergence in the interpretation between the Japanese and Chinese texts of the Treaty, the difference shall be settled by reference to the English text.

ARTICLE XXIX

The present Treaty shall be ratified by His Majesty the Emperor of Japan and His Majesty the Emperor of China, and the ratifications thereof shall be exchanged at Peking as soon as possible, and not later than three months from the present date.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Peking this 21st day of the 7th month of the 29th year of Meiji, corresponding to the eleventh day of the sixth month of the 22nd year of Kuang Hsü.

(L. S.)

HAYASHI Tadasu,

Shoshii, Grand Cross of the Imperial Order of the Sacred Treasure, Grand Officer of the Imperial Order of the Rising Sun, Minister Plenipotentiary and Envoy Extraordinary.

(L. S.)

CHANG Yen Hoon,
Minister Plenipotentiary, Minister of the Tsungli-yamen,
holding the rank of the President of a Board and Senior Vice
President of the Board of Revenue.

NUMBER 1896/6.

JAPAN AND CHINA.

Protocol concerning Japanese settlements, inland navigation,
taxes on manufactures, etc.--October 19, 1896.

Baron Hayashi Tadasu, Shoshii, Grand Cross of the Imperial
Order of the Sacred Treasure, Envoy Extraordinary and Minister
plenipotentiary for Japan; and Ching, Jung, and Chang, the Ministers
charged with Foreign Affairs of the Empire of China;

have agreed upon and concluded the following four Articles:--

Art. 1.--It is agreed that settlements to be possessed exclusively
by Japan shall be established at the towns and ports newly opened to
trade. The management of roads and local police authority shall be
vested solely in the Japanese Consuls.

Art. 2.--Matters relating to steamboats and chartered or owned
vessels referred to in the provisional regulations for the trade con-
ducted by foreign merchants between Soochow, Hang-chow and Shanghai,
issued by the Shanghai Customs on the 3rd day of the 8th month of the
22nd year of Kuang Hsu^x shall be settled conjointly with Japan, and
until such settlement is conjointly arrived at the Yang-tsze Regula-
tions shall be enforced so far as they are applicable.

Art. 3.--The Japanese Government will consent to the imposition
by the Chinese Government of such tax as may be deemed expedient
upon articles manufactured by Japanese subjects in China, but such
tax shall not be different from, or exceed, the amount payable by
Chinese subjects.

* translation from the Chinese text as printed in Customs, vol.
11, p. 615. Other translations printed in Rockhill, p. 39; For. Rel. of
the U.S., 1907, p. 97; Hertslet, p. 382; Recueil, p. 236. See Note to this
document, post, p. 92.

^x September 9, 1896.

Upon the request of the Japanese Government the Chinese Government will promptly give their consent to the establishment of settlements possessed exclusively by Japan at Shanghai, Tientsin, Amoy and Hankow.

Art. 4.--Telegraphic instructions will be sent to the Governor of Shantung to the effect that, in accordance with treaty stipulations, no Chinese troops shall be permitted to approach or occupy any ground within a distance of 5 Japanese ri, that is, about 40 Chinese li, from the boundaries of the territory occupied by the Japanese troops.

In witness whereof a Japanese and a Chinese version of the above have been prepared, each in duplicate, and having been compared together have been signed and sealed, each party retaining one copy of each version.

The 19th day of the 10th month of the 29th year of Meiji.

Hayashi Tadasu.

The 13th day of the 9th month of the 22nd year of Kuang Hsu.

Ching Hsin.

Jung Lu.

Chang Yin Huan.

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached ¹⁷ ~~in English~~ in Japanese consisting of 18 pages and entitled "Treaty of Navigation and Commerce between Japan and China, and Protocol thereof, July 21, 1896" is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,
on this 30th day of January, 1947

K. Hayashi
Signature of Official

Witness: Nagaharu Odo

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通商航海條約及同上議定書

一八九六年七月二一日

光緒二十二年六月一一日

明治二十九年七月二一日 調 印

同 年九月二九日 批 准

同 年一〇月二〇日 批准 交換

同 年一〇月二八日 公 布

正文 英語
本文 英語、邦語及支語

前 文

大日本天皇陛下及大清國皇帝陛下ハ明治二十八年四月十七日即光緒二十一年三月二十三日下ノ詔ニ於テ訓印セラレタル條約第六條ノ規定ニ依リ通商航海條約ヲ締結スルコトニ決セリ因テ大日本天皇陛下ハ北京駐劄特命全權公使正四位勳一等男爵林董ヲ大清國皇帝陛下ハ欽差全權大臣總理各國事務大臣尙書領戶部侍郎張蔭桓ヲ各其ノ全權大臣ニ任命シタルヲ以テ兩國ノ全權大臣ハ互ニ其ノ委任狀ヲ示シ

永久ノ平和親睦並
ニ身體財産ノ保護

外交官ノ派駐

外交官ノ最惠門待
遇

日本國領事官ノ派駐

其ノ良好妥當ナルヲ認メ左ノ諸條ヲ協議協定セリ

第一條 大日本國皇帝陛下ト大清國皇帝陛下トノ間並ニ兩國臣民ノ間ニ永遠無窮ノ平和及親睦アルベシ而シテ兩國臣民ハ各各兩國締盟ノ一方ニ於テ其ノ身體及財産ニ對シ等シク完全ナル保護ヲ享有スヘシ

第二條 大日本國皇帝陛下ハ便宜ニ從ヒ其ノ外交官ヲ清國北京ニ駐劄セシムルコトヲ得大清國皇帝陛下モ亦便宜ニ從ヒ其ノ外交官ヲ日本國東京ニ駐劄セシムルコトヲ得

右駐劄外交官ハ各各兩國公法ニ因リ之ニ附與スル一切ノ權利、特權及免除ヲ享有且總テ最惠門ノ同様ノ外交官ニ附與スル所ノ待遇ヲ受クルコトヲ得其ノ身體、家族、隨員、從

員、居館及往復書信ハ犯スヘカラサルモノトス

右外交官ハ悉モ尊重セラルルコトナク其ノ役員、使丁、通譯人、僕隸及從者ヲ隨意ニ僱用スヘシ

第三條 大日本國皇帝陛下ハ外國通商ノ爲ニ現ニ開カレ若ハ

日本領事館ノ最
高ノ待遇及此ノ特
限

日本領事館ノ派駐
及此ノ特限

日本領事館ノ最
高ノ待遇及此ノ特
限

將來開カルヘキ清國ノ港市ノ内日本帝國ノ利害ニ必要ナリト
認ムル場所ニ領事、領事、副領事及代辦領事ヲ駐在セシム
ルコトヲ得

右領事館ハ清國官吏ヨリ相當ノ待遇ヲ受ケ且最惠國ノ領事館
ニ現ニ附與シ若ハ將來附與スヘキ總テノ資格、職權、裁判管
轄權、特權及免除ヲ享有スヘキモノトス

大清國皇帝陛下モ亦同シク日本國內ニ於テ他國ノ領事官力用
ヲ駐在スヘキ場所ニ領事、領事、副領事及代辦領事ヲ駐在
セシメルコトヲ得而シテ右領事館ハ日本國ニ在ル清國臣民及

財產ニ對スル日本帝國裁判所ノ管轄權ヲ享ヘ且此ノ權利
クハ外國領事官ニ附與スル權利及特權ヲ享有スヘシ

即條 日本國臣民ハ其ノ家族、同族及僕隸ト共ニ外國人
ノ居住貿易ノ爲メ又ハ將來開クヘキ所ノ清國ノ諸港埠市ニ
往來シ住居シ商工業、製造業ヲ營ミ又ハ其ノ他一切合法ノ職
業ニ從事シ且其ノ商品及携帶品ヲ運搬シ前記諸港埠市ノ間ヲ

立寄港へ日六
船舶ノ寄港

寄商ノ處分

港内陸旅行

附費ニ往來スヘク又此ノ他ニ於テ外國人ノ使用及占有ノ爲ニ
定シ若ハ將來選定セラルヘキ地區内ニ於テ寄港ヲ貸借
地所ヲ貸借シ寺院、墓所、病院ヲ建設スルコトヲ得但此等一切
ノ事項ニ付是實國ノ臣民或ハ人民ニ現ニ附與シ若ハ將來附與ス
ヘキモノト同一ノ條件及制限ヲ有スヘキモノトス

第五條

日本船舶ハ現ニ立寄港ナル安藝、大田、潮口、武穴、

口及吳瀨、並ニ將來立寄港トセラルヘキ船舶ノ場所ニ於テ外國

船舶ニ對シテ現行法律ニ從ヒ旅客商品ヲ運搬セシムル爲之ニ寄

4

港スルコトヲ得且此等船舶ノ寄港ニ於テ立寄港外ノ港ニ不法ニ進入シ
其ハ海海及河川ニ於テ之ヲ沒收スヘキモノトス

第六條

日本臣民ハ自國領内ヨリ下附シ地方官ノ同意シタル旅

客ヲ運搬スルトキハ、又ハ商田ノ爲メ清、内地ノ各都ニ旅行

スルコトヲ得而シテ該旅客ハ旅行地方ニ於テ檢査ヲ受メラレタ

ルトキハ之ヲ示スヘキモノトス該旅客ニ不正ノ點ナキニ於テハ

機帶者ハ進行ヲ許可セラレ且其ノ旅行用ノ爲メ又ハ機帶品、商

清國臣民
ノ自由

清國臣民
ノ自由

品類ノ爲メ人夫、畜類、直轄、船隻ヲ買入ルルニ拘限アルヘカ
ラス其旅行者ニシテ旅券ヲ携帶セス又ハ法律ヲ犯ストキハ之ヲ
介スル爲メ警察ノ領事館ニ引渡スヘシ但シ其ノ際必要ノ拘束ヲ
加フルノミニシテ決シテ之ヲ虐待スヘカラス旅券ハ之ヲ發シタル
日ヨリ清國十三箇月間效力ヲ有スヘカラス旅券ハ之ヲ發シタル日
ヨリ清國十三箇月間效力ヲ有スヘシ日本臣民旅券ヲ携帶セスシ
テ内地ニ旅行シタルトキハ三百兩ヲ超過セサル罰金ニ處スヘシ尤
モ日本臣民ハ各開港地ヨリ一百海里以内ニハ五日間ヲ限トシ旅
券ヲ携帶セスシテ遊歴スルコトヲ得但シ本條ノ規定ハ之ヲ船舶乗
組ノ水夫ニ適用スルコトヲ得ス

第七條 清國ノ開港地ニ住民ノ日本臣民ハ清國臣民ヲ買入レ得テ
正當ノ業務ニ之ヲ使用スルコトヲ得但シ清國政府又ハ官吏ニ於テ
之ヲ制限シ或ハ妨礙スルコトヲ得ス

第八條 日本臣民ハ荷物又ハ旅客運搬ノ爲メ一切ノ船隻ヲ賃借ス
ルコトヲ得而シテ之カ爲メ船主ヘキ金額ハ賃借人相互ノ間ニ於テ

出入ノ自由
 税関税日増則
 ノ適用ニ出
 入ニ門スル
 同待遇

之ヲ定メ清國政府又ハ官吏之ニ干涉スルコトヲ得ス概シニ對シ
 制限ヲ置クヘカラス又ハ右條雙ニ四シ若ハ貨物運搬ニ從事スル
 人夫ニ關シ何人ニモ専業免許ヲ附與スルコトヲ得ス而シテ右條
 隻ヲ以テ密商ニ從事スルモノハ法ニ照シ之ヲ處罰スヘシ

第九條 清國ト泰西諸國トノ間ニ實施スル税則ハ日本國臣民力清國

國へ輸入シ若ハ日本國ヨリ清國へ輸入シ又ハ日本國臣民力清國
 ヲリ輸入シ若ハ清國ヨリ日本國へ輸出スル一切ノ物品ニ適用ス
 ヘシ清國ト泰西諸國トノ間ニ存在スル税目及税則ニ於テ特ニ輸
 入若ハ輸出ヲ制限シ若ハ禁止セサル物品ハ規定ノ輸入若ハ輸
 出税ヲ拂フノミニテ自由ニ清國へ輸入シ若ハ清國ヨリ輸出スル
 コトヲ得ヘシ但シ日本國臣民ハ何等ノ場合ニ於テモ專業國臣民
 若ハ人民ガ清國ニ於テ租税納メ若ハ將來納ムヘキ輸入税ニ關
 ナル力或ハ之ヨリ多額ノ納税ヲ要セラルルコトナカルヘシ又日
 本國ヨリ清國へ輸入シ或ハ清國ヨリ日本國へ輸出スル一切ノ物
 品ハ其ノ輸入税ニ際シ最惠國ヨリ輸入シ或ハ之へ輸出スル同様

輸出物品ニ對ス
ル紙代稅ノ納付

紙代稅ノ納付
納付ノ免除

ノ物品ニ對シ清國ニ於テ明ニ課セラルヘキモノト異ナルカ或ハ
之ヨリ多額ノ稅ヲ課セラルルコトナカルヘシ

第十條 日本國臣民カ清國ヘ輸入シ或ハ日本國ヨリ清國ヘ輸入シ
タル一切ノ物品ハ明行章程ニ從ヒ同港場ト同港場ノ間ヲ運搬中
其ノ所有者ノ國籍或ハ之ヲ運搬スル器具船舶ノ國籍如何ニ拘ラ
ス之ニ對シ金ク各種ノ稅金、賦課金手賃料、倉庫金等ヲ而立ツヘ
カラス

第十一條 日本國臣民ニシテ輸入物品ヲ清國內地ノ市場ニ運搬セ
ムト欲スルモノハ其ノ物品ノ有價品ナルトキハ輸入稅ノ二分ノ
一、無價品ナルトキハ從價二分半ニ當ル紙代稅ヲ納付ヒ以テ其ノ
物品ニ對スル一切ノ通過稅ノ免除ヲ受クルコト其ノ勝手タルヘ
シ而シテ右紙代稅ヲ納付タルトキハ該物品ニ對シ一切ノ内地稅
ヲ免除スル爲メ證書ヲ發附スヘキモノトス
但シ六六ハ輸入阿片ニハ適用セサルコトト知ルヘシ

第十二條 清國ニ在ル日本國臣民カ清國領港外ノ地ニ於テ買入レ

タル一切ノ海國生産物及物品ニシテ輸出セラレムトスルモノハ前條ニ記載シタル税率ニ依リ輸入税ノ代リニ輸出税ヲ其礎トシテ算出シタル紙代税ヲ端ヒタル上其ノ輸出ニ際シ單ニ輸出税ヲ端フ外ハ海國各地ニ於テ各種ノ税金、賦課金、手数料、金銀ヲ預セラルヘシ但シ右ハ前記ノ生産物及物品ニシテ通過税支拂ノ日ヨリ十二箇月ノ期間内ニ現ニ外國ニ輸出セラレタル場合ニ限ル

日本國臣民力海國ノ開港地ニ於テ買入レタル一切ノ海國生産物及物品ニシテ海外輸出ヲ禁ゼラルモノハ輸出ノ際單ニ輸出税ヲ納ムルハ一切ノ内地税、賦課金、手数料、金銀ヲ免除セラルヘシ且日本國臣民力海國各地ニ於テ輸出ノ爲メ買入レタル一切ノ物品モ亦同行章程ニ從ヒ各開港地ニ運搬スルヲ得ルモノトス

第十三條 商品ニシテ其ノ出所外國ニ屬スルコト爲ナク且之ニ對シ已ニ輸入税ヲ完納シタルトキハ其ノ輸入ノ日ヨリ三箇年內何時モ日本國臣民ニ於テ何等ノ輸出税ヲ納ムルコトナクシテ

官設倉庫ノ設

商船ノ積荷
ニ手荷料等ノ
免除

之ヲ清國ヨリ何レノ外國ヘモ輸出スルヲ得又該等輸出者ハ
己ニ右商品ニ對シテ納メラルタル輸入税額ニ向ツテ清國稅
關ヨリ稅金拂戻證書ヲ受クヘシ但シ該商品ハ原荷作ノ儘完
全ニ保存セラレ異動ヲキチ要ス右拂戻證書ハ其ノ所有者ノ
歸ニ因リ清國稅關官吏ニ於テ現金ヲ以テ之ヲ償還スルヲ得
ヘキモノトス

第十四條 清國政府ハ其ノ管轄港地ニ於テ官設倉庫ヲ設クル
コトニ同意ス本件ニ關スル規則ハ通テ之ヲ設クヘシ

第十五條 日本國ノ商船ニシテ噸數百五十噸以上ノモノハ清
國ノ開港ニ入港スルニ當リ其ノ登記噸數壹噸ニ付清國銀
ノ割ヲ以テ噸稅ヲ課セラルヘシ噸數百五十噸及其以下ノ
モノハ登記噸數壹噸ニ付寧ろノ割トス然レトモ右船隻ニシ
テ其ノ積荷ニ異動ヲ入港後四十八時間以内ニ出港スルモ
ノハ噸稅ヲ免除セラルヘシ
日本國ノ船舶前記ノ噸稅ヲ納メタル上ハ該稅ヲ納メタル港
口出發ノ日ヨリ向テ四箇月間ハ清國ノ何レノ開港埠頭ハ清國
港ニ於テ噸稅ヲ免除セラルヘシ但シ日本國ノ開港埠頭ハ清國
ニ於テ現ニ修繕ヲ加ヘ居ル間ハ噸稅ヲ納ムルヲ要セス

水先案内者ノ
所修

遊離船舶入港
ノ自由

清國ノ何レノ開港間ニ於テ旅客、手荷物、行李、無税品運搬
ノ爲メ日本國臣民ノ使用スル小船及艇隻ハ噸税ヲ納ムルコト
ナカルヘシ尤モ其ノ運搬ノ時ニ當リ税金ヲ課セラルヘキ商品
ヲ運搬スル所ノ小船及荷舟ハ總テ噸税ニ付寄附ノ割ヲ以テ四
箇月毎ニ一回噸税ヲ納ムヘシ

日本國ノ船舶及艇隻ニ對シテハ噸税ノ外別ニ手数料或ハ賦金
ヲ課スコトナカルヘシ但シ日本國ノ船舶及艇隻ハ最惠國ノ船
舶及艇隻ノ噸税ニ異ナルカ又ハ之ヨリ多額ノ噸税ヲ納ムルコ
トナシト知ルヘシ

第十六條 清國ノ開港ニ來航スル日本國ノ商船ハ其ノ入港ノ際
隨意ニ水先案内者ヲ雇入ルルコトヲ得該商船總テ正當ノ噸税
皆納ノ上出發セムトスル時ハ出發ノ際ニモ亦水先案内者ヲ使
用スルコトヲ得

第十七條 日本國ノ商船破損又ハ其ノ他ノ理由ヲ以テ遊離所ヲ
要スルノ止ムヲ得サルニ至リタルトキハ是等ノ何レノ清國開港

難破船ノ救助

客商ノ取締

口ニモ入港スルコトヲ得尤モ其ノ船舶ノ修繕ヲ遂クル爲
 陸揚シタル物品ニ對シテハ諸稅若ハ噸稅ヲ拂フコトナカ
 ルヘシ

但シ該物品ハ税關吏ノ監督ニ屬スルモノトス右等ノ船舶
 清國沿岸ニ於テ遭難ニ乗揚ケ又ハ難破シタルトキハ清國
 官吏ハ直ニ其ノ乘客及乗組員ヲ救助シ該船舶並ニ其ノ積
 荷ヲ安全ヲラシムルノ措置ヲ施スヘシ而シテ救助シタル
 人人ニハ艱難ノ待遇ヲ與ヘ必要ノ場合ニハ最善ノ領事館
 マテ送属クヘシ

清國ノ船舶破損又ハ其ノ他ノ理由ヲ以テ最善ノ日本港口
 ニ避難所ヲ要スルノ止ムヲ得サルニ至リタルトキハ該船
 泊ハ日本官吏ヨリ同一ノ待遇ヲ享有スヘシ

第十八條 諸門港地ニ於ケル清國官吏ハ詐偽又ハ密商ノ爲
 收入ニ減少ヲ來ササル様其ノ必要ナリト認ムル措置ヲ施
 スヘシ

強盜海賊ノ逮捕處
罰

清國在留日本人ノ
裁判管轄區

清國臣民ニ交渉ス
ル民官裁判區

清國臣民ニ交渉ス
ル民官裁判區

第十九條

日本軍ノ船舶清國ノ強盜又ハ海賊ノ掠奪ニ
遇フトキ該強盜海賊ヲ逮捕處罰シ其ノ贓品ヲ取戻シ
之ヲ其ノ持主ニ還付スルコトヲ務ムルハ清國官吏ノ
職務タルヘシ

第二十條

清國ニ在ル日本國臣民ノ身體、財産ニ關ス
ル裁判管轄區ハ當該日本國官吏ニ專屬ス日本國臣民
或ハ一切ノ他國臣民又ハ人民ヨリ日本國臣民前ニ其
ノ財産ニ係ル訴訟ハ總テ清國官吏ノ干渉ヲ受ケルコ
トヲ右官吏ニ於テ審理判決スヘシ

第二十一條

清國官吏又ハ臣民カ清國ニ在ル日本國臣
民ニ對シ及ハ其ノ財産ニ關シ民事訴訟ヲ起ストキハ
日本國官吏ニ於テ之ヲ審理判決スヘシ
清國臣民ニ對シ又ハ其ノ財産ニ關シ清國ニ在ル日本
國官吏或ハ臣民ヨリ起ス所ノ民事訴訟ハ總テ清國官
吏ニ於テ之ヲ審理判決スヘシ
檢告トナリタル日本國
ノ法律ニ依リ日本國官吏之ヲ審理シ其ノ有罪ト認
タルトキハ之ヲ處罰スヘシ

債務者ノ措置

清國ニ在ル日本國臣民ニ對シ犯罪ノ被害トヨリタル清國臣民ハ清國ノ法律ニ依リ清國官吏之ヲ審理シ其ノ有罪ト認メタルトキハ之ヲ處罰スヘシ

第二十三條

清國臣民ガ日本國臣民ニ對シテ負債ヲ償還セ

ヌ又ハ詐欺逃亡セルトキハ清國官吏之ヲ逮捕シ其ノ負債ヲ償還セシムルコトヲ務ムヘシ日本國官吏ニ於テモ日本國臣民ガ清國臣民ニ對シテ詐欺逃亡シ又ハ其ノ負債ヲ償還セサルモノハ處分スルコトヲ務ムヘシ

犯罪者等ノ引渡

第二十四條

清國ニ在ル日本人ニシテ罪ヲ犯シ又ハ負債ヲ

償還セヌシテ詐欺逃亡シタル者清國ノ内地ニ遁レ清國臣民ノ住居若ハ清國船舶中ニ潛伏スルトキハ清國官吏ハ日本國領事ヨリ請求次第日本國官吏ニ之ヲ引渡スヘシ又清國ニ在ル清國人ニシテ罪ヲ犯シ又ハ負債ヲ償還セヌシテ詐欺逃亡シタル者清國ニ在ル日本國臣民ノ住居若ハ清國領海ニ於ケル日本國船舶中ニ潛伏スルトキハ清國官

現行條約上ノ
我特等ノ但
護助ニ最意國
待遇

條約ノ改修及有
效期間

更ヨリ日本國官吏へ請求次條之ヲ引渡スヘシ
第二十五條 日本國ノ政府及臣民ハ其ノ現在效力ヲ有スル日

清國條約諸條款ニ據リ得タル一切ノ特權利益及利參ヲ享有
スルコトヲ更ニ決定ス

且日本國ノ政府及臣民ハ大清國皇帝陛下ヨリ他國ノ政府又
ハ臣民ニ現ニ附與シ又ハ將來スヘキ一切ノ特權、利益及利
參ヲ享有スヘキコトヲ特ニ茲ニ規定ス

第二十六條 締結國ノ一方ハ本條約批准交換ノ日ヨリ十箇年
ノ終ニ於テ税目及本條約ノ通商ニ關スル條款ノ改正ヲ要求
スルコトヲ得然レトモ若最初十箇年ノ終ヨリ起算シ六箇月
以内ニ兩締結國ノ何レヨリモ右要求ヲ爲サズ改正ヲ行ハサ
ルトキハ本條約時税目ハ前十年終ノ終ヨリ起算シ更ニ十箇
年其ノ後效力ヲ有スヘシ而シテ其ノ後各十箇年ノ終ニ於
ケルモ亦同様タルヘシ

第二十七條 締盟國ハ本條約ノ效力ヲ完全ヲラシムルニ必

要ナル章程ヲ協議決定スヘシ尤右章程ノ實施セラルルニ至
ル迄ハ現ニ清國ト泰西諸國トノ間ニ存スル取極及章程ニシ
テ其ノ本條約ノ規定ニ矛盾セスシテ適用セラレ得ル限ハ締
盟國ニ於テ之ヲ遵守スヘキモノトス

第二十八條 本條約ハ日本文、漢文及英文ニ調印スヘシ然レ
トモ將來諸國ヲ防ク爲メ締盟國ノ全權大臣ハ日本文本文ト
ノ間ニ解釋ヲ異ニシタルトキハ其ノ異ナル點ハ英文本文ニ
依テ之ヲ決裁スヘキコトヲ協議決定セリ

第二十九條 本條約ハ大日本國皇帝陛下及大清國皇帝陛下ニ
於テ之ヲ批准セラルヘク而シテ其ノ批准書ハ本條約調印ノ
日ヨリ三箇月以内ニ可成速ニ北京ニ於テ之ヲ交換スヘシ
右證據トシテ兩國ノ全權大臣本條約ニ記名調印スルモノナリ

明治二十九年七月二十一日即光緒二十二年六月十一日北京

ニ於テ作ル

大日本帝國北京駐劄特命全權公使正四位勳一等男爵林 董（記名）印
大清帝國欽差全權大臣總理各國事務大臣尙書銜都左侍郎 張蔭桓（記名）印

議 定 書

明治二十九年十月十九日北京ニ於テ調印（日、支文）

年十一月十日官報掲載

新開港場ニ日本專
有居留地ノ設定

大日本國特命全權公使五位勳一等男爵林董ハ大清國欽命總
理各國事務三大臣ト左ノ四箇條ヲ議定ス

第一條 新開通商市港場ニ日本專有ノ居留地ヲ置クコトヲ妥
定シ直轄管轄及地方警察ノ權ハ日本領事ニ專屬スルモノト
ス

長江章程ノ適用

第二條 光緒二十二年八月初三日上海稅關ヨリ發布セシ洋商

條約三處通商試辦章程內其ノ汽船及輸入又ハ所有ノ船隻
ニ關スル事ハ日本國ト妥商シテ定ムヘシ之ヲ商定スル迄ハ
適用シ得ヘキ限ハ長江章程ヲ施行スルモノトス

日本國臣民ノ製造
品ニ對スル課稅

第三條 日本國政府ハ清國政府力清國ニ於テ日本國臣民ノ製
造セル物品ニ對シ便宜酌量シテ課稅ヲナスコトヲ允スヘシ
但シ其ノ稅ハ清國臣民力納ムヘキ稅ニ異ナルカ或ハ之ヨリ

上海外三處ニ帝國
專有居留地ノ設定

多額ナルコトヲ得ス

清國政府ハ日本國政府ヨリ請求ノ上ハ早速上海、天津、厦門、漢口等處ニ日本專有ノ居留地ヲ設クルコトヲ允スヘシ

第四條 條約ニ依リ凡テ日本國軍隊占領地ノ經界線ヲ距ルコト日本里數五里此ノ清國里數大約四十里ノ地内ニハ清國軍隊ノ之ニ近ツキ若ハ之ヲ占領スルヲ許スヘカラザルコトヲ

山東巡撫ニ留連スヘシ

右日本文及漢文各二通ヲ作り對照シテ記名調印シ雙方其ノ各一通ヲ執テ證據トス

明治二十九年十月十九日

光緒二十二年九月十三日

張 榮 敬 款

蔭

經 藤 信 齋